

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 469 be amended to read as follows:

- 1           Page 2, between lines 5 and 6, begin a new paragraph and insert:  
2           "SECTION 6. IC 34-20-3-2 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A product  
4           liability action that is based on:  
5               (1) property damage resulting from asbestos; or  
6               (2) personal injury, disability, disease, or death resulting from  
7               exposure to asbestos;  
8           must be commenced within two (2) years after the cause of action  
9           accrues. The subsequent development of an additional asbestos related  
10          disease or injury is a new injury and is a separate cause of action.  
11          (b) A product liability action for personal injury, disability, disease,  
12          or death resulting from exposure to asbestos accrues on the date when  
13          the injured person knows that the person has an asbestos related  
14          disease or injury.  
15          (c) A product liability action for property damage accrues on the  
16          date when the injured person knows that the property damage has  
17          resulted from asbestos.  
18          (d) This section applies only to product liability actions against:  
19               (1) persons who mined ~~and~~ **or** sold ~~commercial~~ asbestos  
20               **containing products that were not sold in individual quantities**  
21               **for personal or household consumption; and**  
22               (2) funds that have, as a result of bankruptcy proceedings or to  
23               avoid bankruptcy proceedings, been created for the payment of

1 asbestos related disease claims or asbestos related property  
2 damage claims.

3 ~~(e) For the purposes of IC 1-1-1-8, if any part of this section is held~~  
4 ~~invalid, the entire section is void.~~

5 ~~(f)~~ (e) Except for the cause of action expressly recognized in this  
6 section, this section does not otherwise modify the limitation of action  
7 or repose period contained in section 1 of this chapter.

8 **(f) A cause of action expressly recognized in this section that:**

9 **(1) accrued before July 1, 2009; and**

10 **(2) was barred before July 1, 2009, by the period of**  
11 **limitations or repose contained in section 1 of this chapter;**

12 **may be commenced after June 30, 2009, and before July 1, 2010,**  
13 **notwithstanding any other law to the contrary."**

14 Renumber all SECTIONS consecutively.

(Reference is to ESB 469 as printed March 13, 2009.)

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Representative Tyler